

RICHARD J. CODEY ACTING GOVERNOR

STATE OF NEW JERSEY DEPARTMENT OF PERSONNEL

ROLANDO TORRES, JR. COMMISSIONER

Merit System Board

AGENDA OF REGULAR MEETING OF THE MERIT SYSTEM BOARD April 6, 2005

Rolando Torres, Jr., Chairman Flavella Branham John Currie Margaret E.L. Howard Robert Long

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Michael A. Carlucci Township of Bloomfield Department of Public Works Removal

In the Matter of John Clarici East Jersey State Prison Department of Corrections Suspension

In the Matter of Irvin B. Hill Northern State Prison Department of Corrections Suspension

In the Matter of Linda Johnson New Jersey City University Suspension

In the Matter of Delbert S. Mathis County of Burlington County Jail Suspension

In the Matter of Eric Osterlind Township of Willingboro Police Department Suspension

In the Matter of Tracy Wheeler Judiciary Ocean Vicinage Release at the end of the working test period

RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN THE ABOVE CASES – SETTLEMENT

A2 WILLIAM BERGIN

William Bergin, Security Officer, Ramapo College of New Jersey, removal effective May 9, 2003, and 30-day suspension on charges of incompetency, inefficiency or failure to perform duties, conduct unbecoming a public employee, neglect of duty and misuse of public property including motor vehicles and insubordination.

Recommendation of the Administrative Law Judge – Uphold the removal. It is noted that the ALJ made no recommendation with regard to the 30-day suspension.

ACTION:

A-3 SUZANNE FREDRIKSEN

Suzanne Fredriksen, Senior Clerk Typist, City of Cape May, Department of Public Works, removal effective July 25, 2003, on charges of incompetency, inefficiency or failure to perform duties, inability to perform duties, neglect of duty and insubordination.

Recommendation of the Administrative Law Judge – Modify the removal to a 120-day suspension.

ACTION:

A-4 DEBORAH WREDE (FAILURE TO APPEAR)

Deborah Wrede, Practical Nurse, Greystone Psychiatric Hospital, Department of Human Services, removal effective September 4, 2003, on the charge of serious mistake due to carelessness which could result in danger to persons/property.

Recommendation of the Administrative Law Judge – Dismiss the appeal for lack of prosecution.

A-5 MICHELLE THURBER

Michelle Thurber, Deputy Court Administrator, City of Burlington, Municipal Court Department, removal effective May 11, 2001, on the charge of conduct unbecoming a public employee and removal effective immediately on the charge of other sufficient cause. This matter was previously presented to the Merit System Board at its regular meeting of December 15, 2004, but was held over for the Board to obtain advice from the Attorney General's Office.

Recommendation of the Administrative Law Judge – Modify the removals to a six-month suspension.

ACTION:

A-6 CARMELLA VARGA

Carmella Varga, Deputy Municipal Court Administrator, Township of North Brunswick, Municipal Court, removal effective April 10, 2003, on the charge of failure to perform duties, inability to perform duties, conduct unbecoming a public employee, neglect of duty and other sufficient cause. This matter was previously presented to the Merit System Board at its regular meeting of January 12, 2005, but was held over for the Board to obtain advice from the Attorney General's Office.

Recommendation of the Administrative Law Judge – Reverse the removal.

ACTION:

A-7 LEONARD WILSON

Leonard Wilson, Senior Correction Officer, Albert J. Wagner Youth Correction Facility, Department of Corrections, 15-day suspension and removal effective April 25, 2005, on charges of other sufficient cause and failure to follow call-off or call-in procedures.

Recommendation of the Administrative Law Judge – Reverse the 15-day suspension and removal.

SECTION B - MISCELLANEOUS MATTERS

B-1 JOHN ANDERSON

John Anderson appeals his rejection as a Sheriff's Officer candidate by the County of Ocean and its request to remove his name from the eligible list for Sheriff's Officer (S9999B) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-2 MICHAEL J. BORON

Michael J. Boron appeals his rejection as a Police Officer candidate by the City of Elizabeth and its request to remove his name from the eligible list for Police Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-3 JOSEPH T. MASSEY, III

Joseph T, Massey, III, appeals his rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove his name from the eligible list for Correction Officer Recruit (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-4 DARRELL MOORE

Darrell Moore appeals his rejection as a Correction Officer Recruit by the Department of Corrections and its request to remove his name from the eligible list for Correction Officer Recruit (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

B-5 ARMAND J. RANIA

Armand J. Rania, represented by Roy L. Whitmore, Esq., appeals his rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove his name from the eligible list for Correction Officer Recruit (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-6 JOSE A. RIVERA

Jose A. Rivera appeals his rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove his name from the eligible list for Correction Officer Recruit (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-7 DANIEL A. ROOHR

Daniel A. Roohr appeals his rejection as a Police Officer candidate by the Township of Bordentown and its request to remove his name from the eligible list for Police Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-8 FRANK RUBINO

Frank Rubino, represented by Anthony J. Fusco, Jr., Esq., appeals his rejection as a County Correction Officer candidate by the County of Essex and its request to remove his name from the eligible list for County Correction Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

B-9 RAYMOND SKOP

Raymond Skop, represented by Joseph A. Turula, Esq., appeals his rejection as a Police Officer candidate by the City of Jersey City and its request to remove his name from the eligible list for Police Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-10 ALFRED LEE OLIVER

Alfred Lee Oliver appeals the request by the New Jersey Department of Corrections to remove his name form the Correction Officer Recruit (S9999D) eligible list for medical unfitness to effectively perform the duties of the position.

ACTION:

B-11 ANN BATTAGLIA

Ann Battaglia, a Quality Assurance Coordinator with the Department of Human Services (DHS), appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-12 MYRNA DURAND

Myrna Durand, a Senior Correction Officer with Southern State Correctional Facility, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-13 SCOTT HOLLIDAY

Scott Holliday, a Senior Correction Officer at East Jersey State Prison, Department of Corrections, appeals the denial of sick leave injury (SLI) benefits.

B-14 SARAH IVORY

Sarah Ivory, a Senior Technician, MIS with the Department of Human Services, represented by Paul A. Devlin, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-15 DEBORAH JAMES

Deborah James, a Senior Data Entry Machine Operator (Terminal) with the Department of the Treasury, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-16 TANYA ONLY

Tanya Only, a Human Services Assistant at Ancora Psychiatric Hospital, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-17 EDMUND OSIAN

Edmund Osian, a Principal Environmental Specialist with the Department of Transportation, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-18 RUTH SAMONSKI

Ruth Samonski, a Supervisor 1 (Motor Vehicles) with the Motor Vehicle Commission, appeals the denial of sick leave injury (SLI) benefits.

B-19 EDMUND SKWARA

Edmund Skwara, an Engineering Technician 2 with the Department of Transportation, represented by Patrick Kavanagh, Staff Representative, CWA Local 1032, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-20 GWENDOLYN TERRELL

Gwendolyn Terrell, a Senior Food Service Handler with Woodbridge Developmental Center, Department of Human Services, represented by David R. Spevack, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-21 VIOLET WHEELER

Violet Wheeler, a Charge Nurse at Ancora Psychiatric Hospital, Department of Human Services, represented by Kristofer Chiesa, Esq., appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-22 JOSEPH BRANIN

Joseph Branin, represented by Richard J. Shaklee, Esq., appeals the decision of Human Resource Information Services, which upheld the removal of his name from the eligible list for Police Officer (S9999D), Highlands Borough based on an unsatisfactory background report.

ACTION:

B-23 PAUL DEMARCO

Paul DeMarco, represented by John A. Boppert, Esq., appeals the decision of the Division of Human Resource Information Services, which upheld the bypass of his name on the Sheriff's Officer Sergeant (PC2581B), Ocean County eligible list.

B-24 RONALD GEBHART

Ronald Gebhart appeals the determination of the Division of Human Resource Information Services upholding the bypass of his name on the Police Officer (S9999D), Township of Lakewood eligible list.

ACTION:

B-25 CHARLES MATOS

Charles Matos, represented by David J. DiFillippo, Esq., appeals the decision of Human Resource Information Services (HRIS) which bypassed his name on a certification of the Police Sergeant (PM0959W), City of Newark, eligible list.

ACTION:

B-26 BRIAN MCGOWAN

Brian McGowan appeals the determination of the Division of Human Resource Information Services upholding the bypass of his name on the Fire Fighter (M2256D), Wildwood City eligible list.

ACTION:

B-27 ALFRED OLIVER

Alfred Oliver appeals the determination of the Division of Human Resource Information Services (HRIS) which upheld the removal of his name from the eligible list for County Correction Officer (S9999D), Mercer County on the basis that he falsified his application.

B-28 PAUL FENNEL, ET AL.

The City of Jersey City, represented by Anthony DeSalvo, Assistant Corporation Counsel, appeals the decision of Human Resource Information Services (HRIS), which found that the appointing authority was required to appoint Paul Fennel, Adalberto Rivera, Ryan Friend, Maria Sanchez, Yamileth Arroyo, Salvatore Sellito, Jon-Paul Sielski, Michael Rodriguez, Shanna Gamez, Luz Rojas, and Andrew Labruno from the Police Officer (S9999D), Jersey City, eligible list.

ACTION:

B-29 ASSISTANT ASSESSOR (SPECIAL REEMPLOYEMENT LIST), CITY OF EAST ORANGE

The appointing authority's failure to properly dispose of the certification for Assistant Assessor (Special Reemployment List) while a provisional appointee is serving in the title, has been referred to the Merit System Board for enforcement.

ACTION:

B-30 MANAGEMENT SPECIALIST (M6197E), NEWARK SCHOOL DISTRICT

The appointing authority's failure to properly dispose of the certification for Management Specialist while a provisional appointee is serving in the title, has been referred to the Merit System Board for enforcement.

ACTION:

B-31 SOCIAL CASE WORKER, CITY OF PERTH AMBOY (M0032D AND MO494E)

The appointing authority's failure to properly dispose of the certification for Social Case Worker while a provisional appointee is serving in the title, has been referred to the Merit System Board for enforcement.

B-32 KEYSHIA GOODWIN

Keyshia Goodwin, a Senior Therapy Program Assistant at Green Brook Regional Center, Department of Human Services (DHS), appeals the determination of the Assistant Commissioner for Human Resources of the DHS, stating that the appellant had failed to present sufficient evidence to support a finding that she had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination, Harassment, or Hostile Environments in the Workplace.

ACTION:

B-33 MIRIAM ROSENSHEIN

Miriam Rosenshein, an Investigator, Violent Crimes Compensation Board, with the Department of Law and Public Safety (DLPS), appeals the determination of the Executive Assistant Attorney General, DLPS, stating that the appellant had failed to present sufficient evidence to support a finding that she had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination, Harassment, or Hostile Environments in the Workplace.

ACTION:

B-34 ELIZABETH DECELLO AND JOHN DOURGARIAN

Elizabeth DeCello and John Dourgarian petition the Merit System Board for reconsideration of the decision rendered on May 19, 2004 which found that they did not meet the experience requirements for the promotional examination for Executive Assistant 2 (PS8728T), Department of Transportation.

ACTION:

B-35 SERENA JONES

Serena Jones, a Senior Data Entry Machine Operator with East Jersey State Prison, Department of Corrections, seeks enforcement of the Merit System Board decision rendered on October 1, 2003, granting her back pay, benefits, and seniority.

B-36 THOMAS PAPPAS

Thomas Pappas, a Truck Driver with the City of Paterson, represented by Keith O. Evan, Esq., petitions the Merit System Board (Board) for enforcement of the Board decision, *In the Matter of Thomas G. Pappas*, (MSB, decided December 15, 2004).

ACTION:

B-37 FRANCIS AMOS-ABANYIE

Francis Amos-Abanyie, formerly working in the title Medical and Health Services, Temporary Employment Services in the Department of Human Services, represented by William H. Haller, Esq. petitions the Merit System Board for a hearing regarding his termination from employment.

ACTION:

B-38 MONICA BROCK

Monica Brock petitions the Merit System Board for a change in her settlement agreement, which was acknowledged by the Board on June 25, 2003.

ACTION:

B-39 JOYCE ANN HERBERT

Joyce Ann Herbert, a former Secretary, Board/Commission with the Borough of Clementon, represented by Tracy D. Bothwell, Esq., petitions the Merit System Board for compensation for unused sick and vacation leave.

ACTION:

B-40 NANNETTE PALYOK

Nannette Palyok asserts that her promotional rights were abridged by the appointment of Edward Vrancik to the title of Assistant Chief Audit Activity, Treasury, Department of the Treasury.

B-41 FRANCIS SALENSKY, SR.

Francis Salensky, Sr., a Senior Parole Officer with the State Parole Board, represented by Colin M. Lynch, Esq., petitions the Merit System Board for interim relief of his immediate suspension, effective September 1, 2004.

ACTION:

B-42 THOMAS SARNECKI

The Township of Scotch Plains request relaxation of *N.J.A.C.* 4A:4-7.1A(c) so as to permit the intergovernmental transfer of Thomas Sarnecki from the title of Sheriff's Officer, Union County Sheriff's Office, to the title of Police Officer, Township of Scotch Plains.

ACTION:

B-43 TODD SPARKS

Todd Sparks, a Police Officer with Lawrence Township, appeals his non-appointment from the Police Sergeant (PM2554A), Lawrence Township eligible list.

ACTION:

B-44 COREY L. ATKINSON

Corey L. Atkinson appeals the determination of the Division of Selection Services which found that he did not meet the experience requirement for the open-competitive examination for Investigator 3 (S0344F).

ACTION:

B-45 DANIEL AVERY, ET AL.

Daniel Avery, Christopher Logan and James Newton appeal the determination of the Division of Selection Services that found that they did not meet the experience, or education and experience requirements for the open-competitive examination for Sales Representative 1, State Lottery (S6774F), Department of the Treasury.

B-46 CHRISTINE BARRON

Christine Barron appeals the determination of the Division of Selection Services that per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Assistant Administrative Analyst (PC0117F), Ocean County

ACTION:

B-47 ROSEMARIE BAYLIES

Rosemarie Baylies appeals the decision of the Division of Selection Services which found that she did not meet the experience requirement for the promotional examination for Secretarial Assistant 3 (Non-Stenographic) (PS1203P), Juvenile Justice Commission.

ACTION:

B-48 KAREN BLAND

Karen Bland appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Social Worker 2 (PS1663K), Department of Human Services.

ACTION:

B-49 DAVID CALAMONERI

David Calamoneri appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the promotional examination for Management Specialist (PM0956E), City of Hoboken.

ACTION:

B-50 ROBERT CALOCINO

Robert Calocino appeals the determination of the Division of Selection Services that he did not meet the requirements for the open-competitive examination for Principal Training Technician (S0314F), Statewide.

B-51 MARTIN CARLUCCIO, ET AL.

Martin Carluccio, William Sleek, Loretta Bay, Rick Pagnani, Tiffany Gulbranson and Alaina Fritz appeal the determinations of the Division of Selection Services which found that they were below the minimum requirements in experience for the open-competitive examination for Records Technician 3, Motor Vehicles (S0327F), Motor Vehicle Commission.

ACTION:

B-52 MICHAEL CARR, ET AL.

Michael Carr, Mahesh Desai, Eric Johnson, Hematlal Padalia, Stanley Pierzhanowski, Shawn Rabban, Jayantilal Rana, Lisette Rodriguez-Castillo, Robert Scholink, Girish Thakkar, and Priscilla Ukpah appeal the determinations of the Division of Selection Services which found that they were below the minimum requirements in experience for the promotional examination for Project Engineer, Materials (PS3427T), Department of Transportation.

ACTION:

B-53 LILLIAN CROSS

Lillian Cross appeals the determination of the Division of Selection Services which found that she did not meet the experience requirements for the promotional examination for Assistant County Adjuster (PC0925F), Atlantic County.

ACTION:

B-54 GLENN A. CUMMINGS

Glenn A. Cummings appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, he did not meet the experience requirement for the promotional examination for Construction and Maintenance Technician 2 (PS2827T), Department of Transportation.

B-55 BHULESHAWAR DARJI, ET AL.

Bhuleshawar Darji, Edward D'Zurilla, and Anna Gorbaty appeal the determinations of the Division of Selection Services which found that they were below the minimum requirements in experience for the promotional examination for Project Engineer, Utilities (PS3428T), Department of Transportation.

ACTION:

B-56 MARTHA DASILVA AND JOSEZETTA HILL

Martha DaSilva and Josezetta Hill appeal the determinations of the Division of Selection Services which found that they did not meet the experience requirements for the promotional examination for Human Services Specialist (PC1410F), Union County.

ACTION:

B-57 PEGGY DORION

Peggy Dorion appeals the determination of the Division of Selection Services that she did not meet the requirements for the open-competitive examination for Technical Assistant, Personnel (S0282F), Statewide.

ACTION:

B-58 KATHLEEN EASTON

Kathleen Easton appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Director Community Improvements (PM0419F), Paterson.

ACTION:

B-59 LINDA FREEMAN

Linda Freeman appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the open competitive examination for Assistant Administrator, Cultural and Heritage Affairs (M6610F), City of Rahway.

B-60 CYNTHIA GARLAND

Cynthia Garland appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Assistant Supervisor of Accounts (PM0612F), Wildwood City.

ACTION:

B-61 JOSEPH GERUNTHO

Joseph Geruntho appeals the determination of the Division of Selection Services that he did not meet the education and experience requirements of the open-competitive examination for Electrical Mechanic (S0331F), Department of Transportation.

ACTION:

B-62 AARON GOAR AND JOSEPH PEZZILLO

Aaron Goar and Jospeh Pezzillo appeal the determinations of the Division of Selection Services which found that they did not meet the education requirements for the open-competitive examination for Biologist, Mosquito Extermination (C0761E), Passaic County.

ACTION:

B-63 THERESA HAWKINS

Theresa Hawkins appeals the determination of the Division of Selection Services that found that, per the substitution clause for education, she did not meet the experience requirements for the Administrative Analyst 2 (PS1106K), Department of Human Services promotional examination.

ACTION:

B-64 CHRIS KINLOCK

Chris Kinlock appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the open-competitive examination for Greenskeeper (M6442E), Berkeley Township.

B-65 FRANCISCO LOPEZ

Francisco Lopez appeals the determination of the Division of Selection Services that he did not meet the experience requirements for the open competitive examination for Greenskeeper (M6442E), Berkeley Township.

ACTION:

B-66 PATRICIA MCNAMEE

Patricia McNamee appeals the determination of the Division of Selection Services that she did not meet the experience requirements for the promotional examination for Deputy Municipal Court Administrator (PM0276F), Township of Middletown.

ACTION:

B-67 MARIA MIRYS

Maria Mirys appeals the determination of the Division of Selection Services which found that she was below the minimum requirements in experience for a prospective promotional appointment to the title of Technical Program Assistant (Personnel), Department of Human Services.

ACTION:

B-68 GREGORY MOTCHNIK

Gregory Motchnik appeals the determination of the Division of Selection Services which found that he did not meet the experience requirement for the open-competitive examination for Habilitation Plan Coordinator (S0176E), Department of Human Services.

ACTION:

B-69 RICK PAGNANI AND QUDDUS QAYYUM

Rick Pagnani and Quddus Qayyum appeal the determination of the Division of Selection Services which found that they were below the minimum requirements in experience for the open-competitive examination for Utility Management Analyst (S6771F), Board of Public Utilities.

B-70 ANTHONY STRICKLAND AND RICK PAGNANI

Anthony Strickland and Rick Pagnani appeal the determinations of the Division of Selection Services which found them below the minimum requirements in experience for the open-competitive examination for Supervisor, General and Support Services (S3029F), Motor Vehicle Commission.

ACTION:

B-71 MARK RODINA

Mark Rodina appeals the test administration and his score for the promotional examination for Police Chief (PM3530F), Lakehurst Borough.

ACTION:

B-72 ERIC AMATO, ET AL.

Eric Amato, Patrick Burns, James Donovan, Matthew Dugan, Chris Foster, Charles Hetzel and Joseph Spiers (PM2508F), Bayonne: Guy Mariani (PM2511F), Byram; David Derosa, Lawrence Gioconda, Michael Niewinski and Giacomo Sacca (PM2517F, Elizabeth, John Feltes, James Petrecca and Victor Tobiasz (PM2521F), Hamilton Township, Charles Campbell, Edgardo Cruz, Edmond Drishti, Anthony Falco, Scott Hochstadter, James Peck and Peter Zanin (PM2524F), Hoboken; Charles Fackenthall, Adrian Mendez, Leonard Sutton, Peter Szpakowski and Timothy Thomas (PM2541F), Trenton, Anthony Facchini and Ramon Vasquez (PM2542F), Union City; John DeMars (PM2546F), West Orange; and Mario Correia (PM2559F), Newark; appeal the written examination for Police Sergeant (various jurisdictions).

ACTION:

B-73 JAMES LUTZ

James Lutz appeals the determination of the Division of Selection Services which denied his request for a make-up for the promotional examination for Director of Custody Operations 1 (PS3874I), Department of Corrections.

B-74 RUBEN CABRERA

Ruben Cabrera appeals the determination of the Division of Selection Services that he did not meet the residency requirement for the open-competitive examination for Omnibus Operator (M9173E), Township of North Bergen.

ACTION:

B-75 PHILIP BEESLEY, ET AL.

Philip Beesley, George Chin, Sharon Freck-Tootell, Michael Kennedy, Raymond Klama, Michael Koval, LisaAnn Ligato, Jacki Mancilla, Karin Menser, Evelyn Moses, Thomas Nizolek, Antoinette Pettincki, Joseph Pino, Patricia Prusak, Tracey Pursell, Michael Roberts, Gail Tighe, James Toner and Laura Tramontin appeal their scores on the promotional examination for Forensic Scientist 3, Department of Law and Public Safety (DLPS (PS1164P), Division of State Police.

Appellants Beesley, Ching, Kennedy, Mancilla, Menser, Nizolek, Pettincki, Pursell, Roberts, Toner, Tighe, and Sally Ertle, James Meehan, Desiree Reid, Susan Toner and Paul Verdino request that the results of the Supervisory Test Battery of Thomas Lesniak be removed from consideration for his ranking for the promotional examination for Forensic Scientist 3, DLPS (PS1164P), Division of State Police.